



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 21, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-32024 - APPLICANT: THE SIEGEL GROUP NEVADA, INC. - OWNER: CASA SUITES, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-29664) shall be required, if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The subject site shall comply with all applicable requirements of Title 13 as required by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a total of seven new signs on the subject site. The signs consist of six freestanding signs and one monument sign. The signs are indicated as letters “A”, “B” and “C” on the site plan. The subject Variance includes six of the seven proposed signs, which are indicated as; signs “B” and “C” on the site plan, to allow zero percent exposed neon and or animation where 75 percent is required under Title 19.06 Las Vegas Boulevard Scenic Byway Signage Overlay requirements. Only one of the seven proposed signs complies with the 75 percent requirement. Sign “A” meets this requirement by providing 80 percent exposed neon or animation.

Additionally, the applicant has submitted a related Variance (VAR-29664) for a proposed 60-foot tall freestanding sign (“A”) where 40 feet is the maximum height allowed; to allow six freestanding signs (“A” and “C”) where three is the maximum allowed; to allow a distance separation of less than 100 feet between freestanding sign to freestanding sign (“A” and “C”) and freestanding to monument sign (“A”, “B” and “C”) where 100 feet is the minimum required and to allow a zero-foot setback where five feet is the minimum required for the proposed monument sign (“B”).

The proposed signage fails to comply with the following requirements; illumination, height, number of freestanding signs, minimum setback requirements and sign separation requirements. The applicant has created a self imposed hardship that could be rectified by proposing signage, that complies with both Title 19.14 Sign Standards and Title 19.06 Las Vegas Boulevard Scenic Byway Signage Overlay requirements. Therefore, staff is recommending denial of the subject application and related Variance (VAR-29664)

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/04	A Citation (#10773) was issued by Code Enforcement for roof leaks, bug problems, loose handrail, in-operable elevator and an altered smoke detector at 700 North Las Vegas Boulevard. The issue was resolved on 07/02/04.
08/16/04	A Citation (#20204) was issued for uncompleted fire repairs at 700 North Las Vegas Boulevard. The issue was resolved on 01/03/07.
01/19/05	A Citation (#25229) was issued for problems with the leaking roof, toilet, windows and sinks at 700 North Las Vegas Boulevard. The issue was resolved on 01/24/05.
07/27/05	A Citation (#32967) was issued for an insect problem at 700 North Las Vegas Boulevard. The issue was resolved on 01/19/06.

03/13/06	A Citation (#39159) was issued for unstable stairs at 700 North Las Vegas Boulevard. The issue was resolved on 03/15/06.
04/11/06	A Citation (#40073) was issued for missing fire extinguishers at 700 North Las Vegas Boulevard. The issue was resolved on 05/04/06.
07/26/06	A Citation (#44841) was issued for an insect problem at 700 North Las Vegas Boulevard. The issue was resolved on 08/08/06.
10/09/06	A Citation (#46959) was issued for exposed rebar, which was sticking out of the foundation at 700 North Las Vegas Boulevard. The issue was resolved on 10/17/06.
03/01/07	A Citation (#50914) was issued for mold in the tub and carpet at 700 North Las Vegas Boulevard. The issue was resolved on 04/09/07.
03/06/07	A Citation (#51029) was issued for an inoperable elevator at 700 North Las Vegas Boulevard. The issue was resolved on 01/22/08.
03/14/07	A Citation (#51274) was issued for black mold, a broken hand-rail and inoperable air conditioning at 700 North Las Vegas Boulevard. The issue was resolved on 03/20/07.
04/04/07	A Citation (#51929) was issued for a broken toilet, leaking bathtub, insects and inoperable air conditioning at 700 North Las Vegas Boulevard. The issue was resolved on 04/09/07.
02/08/08	A Citation (#62177) was issued for insects at 700 North Las Vegas Boulevard. The issue was resolved on 02/12/08.
03/14/08	A Citation (#63421) was issued for a broken toilet, insects and an inoperable air conditioner at 700 North Las Vegas Boulevard. The issue was resolved on 03/21/08.
06/25/08	A Citation (#67073) was issued for a various broken bathroom items and insects at 700 North Las Vegas Boulevard. The issue was resolved on 07/09/08.
12/18/08	<p>The Planning Commission recommended denial of companion item VAR-29664 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #12/bts).</p>

<i>Related Building Permits/Business Licenses</i>	
02/09/78	A Business License (#A07-00733) was issued for an apartment house at 700 North Las Vegas Boulevard. A Change Of Ownership was approved on 08/22/08 for Siegal Suites from Casa Palms Apartments.
08/23/06	A Building Permit (#71380) was issued to demolish a building at 700 and 712 North Las Vegas Boulevard. An apartment building was demolished at 712 North Las Vegas Boulevard.

<i>Pre-Application Meeting</i>	
06/30/08	A pre-application meeting was held on the indicated date. The applicant indicated the proposed signage. The applicant was advised on the requirements for the subject Variance. The Fire Department noted the removal of the site address on the proposed monument sign. Therefore, staff has added a condition, which requires compliance with all Title 13 requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
11/13/08 and 12/02/08	A field check was completed on the indicated dates. Staff observed a total of three banners on a site visit dated 11/13/08. The banners were not on the building on 12/02/08. Staff also witnessed repair work on a broken wall and the addition of rock veneer on the perimeter walls. No building permits have been found for the repair work to the block wall. Code Enforcement was notified by staff on 11/19/08.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Housing	MXU (Mixed Use)	C-2 (General Commercial)
North	Retail and The Neon Museum	MXU (Mixed Use) and PF (Public Facilities)	C-2 (General Commercial) and C-V (Civic)
South	Tavern and Retail	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Residences	MXU (Mixed Use)	R-1 (Single Family Residential)
West	Retail	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
Downtown North Land Use Plan	X		Y
A-O (Airport Overlay) District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District		X	N*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Redevelopment Plan Area – The subject site is located within the boundaries of the Las Vegas Redevelopment Plan Area. The proposed uses are in conformance with the Redevelopment Plan goals and policies.

Downtown North Land Use Plan – The subject site is within the Downtown North Land Use Plan. The proposed signage has a negligible effect on the goals and policies of the Downtown North Land Use Plan.

A-O (Airport Overlay) District - The subject site is located within the 200-foot boundary of the Airport Overlay District. The proposed signage will not affect the 200-foot boundary, since the tallest sign is proposed at 60 feet.

Las Vegas Boulevard Scenic Byway Overlay District – The subject site is within the Scenic Byway Overlay District. The proposed 60-foot freestanding sign meets the intent of the district which requires 75% of the total sign surface areas to consist of illuminated signage. The 60-foot freestanding sign provides 80% illumination. The other freestanding signs and monument sign do not meet the intent of the Scenic Byway Overlay District. The deviations have necessitated the need for the subject Variance.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06 Special Purpose and Overlay District and 19.14 Sign Standards, the following development standards apply to the subject proposal

FREESTANDING SIGN: *[One - 60-Foot Freestanding Sign – Labeled “A” on the site plan]*

Standards	Required	Provided	Compliance
Illumination	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	Sign provides 80% neon illumination to comply with Title 19.06	Yes

FREESTANDING SIGN: *[Five - Five-Foot Freestanding Signs – Labeled “C” on the site plan]*

Standards	Required	Provided	Compliance
Illumination	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	Signs provide zero percent neon or animated illumination, thereby failing to comply with Title 19.06 requirements*	No

MONUMENT SIGN: *[One - Four-Foot Monument Sign – Labeled “B” on the site plan]*

Standards	Required	Provided	Compliance
Illumination	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	Sign provides zero percent neon or animated illumination thereby failing to comply with Title 19.06 requirements*	No

ALL PROPOSED SIGNS AND PERCENT DEVIATION

Signs	Allowed	Provided	% of Deviation
Sign Illumination (Signs “B” and “C”)	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	0%	100%

The above table indicates the various deviations as they relate to the proposed signs on the subject site. The deviations represent a range of zero to 400 percent.

ANALYSIS

The subject Variance affects six of the seven proposed signs. The applicant fails to meet the intent of Title 19.06 Las Vegas Boulevard Scenic Byway Overlay District requirements, with respect to signs “B” and “C”. Signs “B” and “C” provide zero percent neon or animation where a minimum of 75 percent is required. Sign “A” meets this requirement by providing 80 percent neon and or animation.

The Department of Building and Safety and the International Building Code would not prohibit the installation of the neon and or animated signage on the proposed freestanding signs (“C”) and the proposed monument sign (“B”). If the proposed signage were designed and properly listed with an approved listing agency, the neon and or animated signage would be appropriate at any height.

The subject signs are not appropriate due to the number of deviations from Title 19.06 Las Vegas Boulevard Scenic Byway Overlay District requirements. Therefore, staff is recommending denial of the subject application and the related Variance (VAR-29664).

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing signage that fails to meet the minimum illumination requirements as set forth in Title 19.06 Las Vegas Boulevard Scenic Byway Overlay District. Alternative design and consolidation of signs would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 6

SENATE DISTRICT 10

NOTICES MAILED 182 by City Clerk

APPROVALS 1

PROTESTS 2